

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL 2327 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
THIS DOCUMENT RELATES TO: <i>Sara Campos, et al. v. Ethicon, Inc. et al.</i>	Case No. 2:17-cv-02027

**PLAINTIFFS' OPPOSITION TO DEFENDANTS'
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendants Ethicon and Johnson & Johnson filed a Motion for Partial Summary Judgment on Plaintiffs' strict liability-manufacturing defect (Count II); strict liability-defective product (Count IV); strict liability design defect (count V); breach of express warranty (count XI); breach of implied warranty (XII); violation of consumer protection laws (Count XIII); and unjust enrichment claim (Count XV). Plaintiffs will not be pursuing these Counts at trial.

Defendants have not moved for summary judgment on Plaintiffs' negligence claim (Count I), strict liability failure to warn claim (Count III), common law fraud claim (Count VI), fraudulent concealment claim (Count VII), constructive fraud claim (Count VIII), negligent misrepresentation claim (Count IX), negligent infliction of emotional distress claim (Count X), gross negligence claim (Count XIV), loss of consortium claim (Count XVI), punitive damages claim (Count XVII) or discovery rule and tolling claim (Count XVIII). Plaintiffs will be pursuing these claims.

As Plaintiffs are not pursuing the counts listed in Defendants' Motion for Partial Summary Judgment, Defendant's Motion should be dismissed as moot. Because this response in

opposition is self-explanatory, Plaintiffs request to be relieved from submitting a formal memorandum of law.

WHEREFORE, for these reasons Plaintiffs respectfully request that this Court enter an order denying Defendants' Motion for Partial Summary Judgment.

Respectfully submitted,

KLINE & SPECTER, PC



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BY:

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